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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,093	11/01/2000	Robert P. St Pierre	SMQ-039	3451

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BOSTON, MA 02109

EXAMINER

BRUCKART, BENJAMIN R

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 05/27/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/704,093

Applicant(s)

ST PIERRE, ROBERT P.

Examiner

Benjamin R Bruckart

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16, 17, 19-21, 24-33 and 36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16, 17, 19-21, 24-33 and 36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Claims 16-17, 19-21, 24-33, 36 are pending in this Office Action.

Claims 1-15 are withdrawn.

Claims 18, 22-23, 34-35 are canceled.

Election/Restrictions

Applicant's election of Group II, claims 16-35 in Paper No. 6 is acknowledged.

Applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Applicant is asked to point out and argue the error in a traversed election / restriction requirement.

Response to Arguments

Applicant's arguments with respect to claim 16-35 have been considered but are moot in view of the new ground(s) of rejection in light of applicant's amendment.

Claim Objections

Claims 19-21 are objected to because of the following informalities: they all depend on cancelled claim 18. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16-17, 19-21, 24-33, 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No 6,505,100 by Stuempfle et al in view of U.S. Patent No 6,246,693 by Davidson et al in further view of U.S. Patent No 6,360,152 by Ishibashi et al.

Regarding claim 16,

The Stuempfle reference teaches in a motor vehicle (Stuempfle: col. 1, lines 12-15), a display device (Stuempfle: Figure 6, tag 24; col. 4, lines 2-5) apparatus interfaced with a network located within said motor vehicle (Stuempfle: col. 1, lines 12-15), said apparatus comprising:

a display surface in said motor vehicle (Stuempfle: col. 7, lines 33-40); and

a display manager for determining what messages are displayed on the display surface (Stuempfle: col. 8, line 44; col. 7, lines 31-37), said display manager registering at least two network devices connected to said network (Stuempfle: col. 7, lines 25-40; services 18a, 18b, applications 20a, 20b) and subsequently receiving messages for display on the display device from said at least two network devices (Stuempfle: col. 2, lines 26-28; col. 7, 33-40).

The Stuempfle reference does not explicitly state the prioritizing of messages.

The Ishibashi and Davidson references teach prioritizing the received messages to determine a sequence in which said received messages are used (Ishibashi: col. 12, lines 4-14, 39-46; Davidson col. 18, lines 46-57).

The Davidson reference teaches a plurality of priority queues (Davidson: col. 18, lines 43-52) but does not explicitly label each device with each device.

The Ishibashi reference teaches a priority message queue created for each network device (Ishibashi: col. 12, lines 4-14, 39-46; Figure 6; col. 3, lines 19-30), each priority message queue having a priority level assigned to it based on the identity of the registered network device (Ishibashi: col. 12, lines 8-14; Figure 5), each message received by the device from a registered network device being placed in the priority message queue that is assigned to said network device (Ishibashi: col. 11, lines 61- col. 12, line 3).

The Ishibashi reference further teaches the invention achieves higher performance and enhanced development efficiency (Ishibashi: col. 3, lines 5-15).

The Davidson reference further teaches this system predicts the error rate and ensures that collisions between messages are avoided (Davidson: col. 3, lines 4-15).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the system in a motor vehicle of a display device connected to a network with a manager as taught by Stuempfle while employing message prioritizing as taught by Ishibashi and Davidson in order to achieve higher performance and enhanced development efficiency (Ishibashi: col. 3, lines 5-15) and avoid collisions (Davidson: col. 3, lines 4-15).

Claims 17, 19-21, 24-33, 36 are rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Ishibashi et al, Stuempfle et al, Davidson et al.

Regarding claim 17, the apparatus of claim 16 wherein

said display device and said network devices communicate over an Internet Protocol (IP) based network (Stuempfle: col. 5, lines 22-23; col. 1, lines 25, 30-32; col. 8, lines 3-19).

Regarding claim 19, the apparatus of claim 18 wherein said display manager registers a selected one of said network devices (Stuempfle: col. 11, lines 40-52), said network device being a global positioning satellite receiver (Stuempfle: col. 7, lines 3-15; col. 8, lines 45-50).

Regarding claim 20, the apparatus of claim 18 wherein said display manager registers a selected one of said network devices (Stuempfle: col. 11, lines 40-52), said network device being a cellular phone (Stuempfle: col. 1, lines 18-20; Figure 6, tags 24, 27, 28, 29, 30; col. 7, lines 20-29; col. 8, lines 45-50).

Regarding claim 21, the apparatus of claim 18 wherein said display manager registers a selected one of said network devices (Stuempfle: col. 11, lines 40-52), said network device being an automobile stereo (Stuempfle: col. 8, lines 45-50; Figure 6, tags 27).

Regarding claim 24, the apparatus of claim 18 wherein the display message placed in said priority message queue contains text (Davidson: col. 20, lines 50-56; col. 4, lines 49-52).

Regarding claim 25, the apparatus of claim 16 wherein the display message placed in said priority message queue contains a graphical image (Davidson: col. 4, lines 49-52).

Regarding claim 26, the apparatus of claim 16 wherein the display message placed in said priority message queue message contains text (Davidson: col. 20, lines 53-55; col. 4, lines 49-52) and a graphical image (Davidson: col. 4, lines 49-52).

Regarding claim 27, the apparatus of claim 16 wherein said display manager assigns a Message Identification number to each said display message placed in said priority message queue (Davidson: col. 11, 56-58) and identifies a message priority level in each said display message as it is placed into said priority message queue (Ishibashi: col. 12, lines 4-18), said message priority level being encoded into said display message when received by said display manager and extracted by said display manager (Davidson: col. 3, lines 45-47).

Regarding claim 28, the apparatus of claim 27 wherein said display manager selects a selected priority message queue with a highest priority level, said selected priority message queue containing at least one message,

said display manager selects a selected display message with a highest message priority level from within said selected priority message queue with a highest priority level (Davidson: col. 19, line 17); and

said display manager displays said selected display message with a highest priority level on the display surface of said display device (Davidson: col. 19, lines 13-14; Stuempfle: col. 4, lines 2-5; Figure 6, tag 24).

Regarding claim 29, the apparatus of claim 27 wherein said display manager removes a selected display message in a priority message queue in response to a request from said network device (Davidson: col. 19, lines 49-54).

Regarding claim 30, the apparatus of claim 27 wherein said display manager maintains a list of Message Identification numbers (Davidson: col. 11, lines 56-58) of all of the messages in a priority message queue assigned to a particular network device (Davidson: col. 20, lines 44-47), said display manager providing said list to said particular network device in response to a request from said particular network device (Davidson: col. 20, lines 44-47).

Regarding claim 31, the apparatus of claim 27 wherein said display manager maintains a list of network devices registered with said display device (Stuempfle: col. 11, lines 40-52; Figure 4, Figure 6, tags 24, 27, 28, 29, 30), said display manager removing a selected network device from said list in response to a request from said selected network device (Davidson: col. 19, lines 49-54).

Regarding claim 32, the apparatus of claim 27 wherein said display manager provides the status of a selected display message in a priority message queue assigned to a network device to said network device in response to a request from said network device (Davidson: col. 19, lines 34-38).

Regarding claim 33, the apparatus of claim 27 wherein said display manager displays a display message with display characteristics that were encoded within said display message when received by said display device (Davidson: col. 20, lines 44-53).

Regarding claim 36, the apparatus of claim 33 wherein said display characteristics include at least one of a request to clear the display surface, a request to be persistent, a request to scroll the message (Davidson: col. 20, lines 44-47), and a duration of time to display the message.

Remarks

The Applicant Argues:

With regards to combination of Davidson and Stuempfle, applicant argues that the claimed invention is a two-way communication (duplex) with network devices.

In response, the examiner respectfully submits:

The examiner can find no language in the claims that the invention is a duplex device. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., duplex communication) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R Bruckart whose telephone number is (703) 305-0324. The examiner can normally be reached on 8:00-5:30PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (703) 308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Benjamin R Bruckart
Examiner
Art Unit 2155

BRB
brb

May 24, 2004


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SUPERVISORY PATENT EXAMINER